

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

RANDALL MILLER,

Case # 0071012259

Charging Party,

ORDER

-v-

KALISPELL SCHOOL DISTRICT #5,

Respondent.

Randall Miller (Miller) filed a complaint with the Department of Labor and Industry (Department) alleging that Kalispell School District #5 (School District) discriminated against him on the basis of his disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Miller's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Miller filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 25, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Chap. 28, L. 2007, New Section 6(2)(a)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to *Chap. 28, L. 2007, New Section 6(2)(c), § 49-2-505, MCA (2007)*.

IT IS HEREBY ORDERED, that Randall Miller's objection is **sustained**. The Commission reopens and remands the case to the Hearings Bureau for hearing.

DATED this \_\_\_\_ day of August, 2007.

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Chair Ryan Rusche  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this \_\_\_\_\_ day of August, 2007.

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Montana Human Rights Bureau